

**Minutes for Zoning Board of Adjustment
April 26, 2007 – 7:20 P.M.**

Roll Call

Present for the hearing were Chairman Landers, Vice Chairman Donahue, Hoffman, and Aseltine. Michele Braun was present as the Clerk. Public present were Brad Denny, Hank Buermann, and Susan McGovern.

Approval of Minutes

A motion to approve the minutes for the January 11, 2007 Hearing was made by Aseltine and seconded by Donahue. **The motion passed 4-0-0.**

The Hearing began at 7:08 pm.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be "Interested Persons" to the appellant. "Interested Persons" are owners of property abutting that of the appellant.
4. All testimony by "Interested Persons" and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
 - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include "Findings of Facts".

Hearing 070426-1: Susan McGovern requests a Variance under Section 601 to construct a new home on her property on Berlin Pond Road closer to the road than the required setback.

Exhibits to this Hearing.

Exhibit A: Sketch of Denny subdivision by American Consulting Engineers and Surveyors, January 27, 2005.

Exhibit B: Site Plan for Lot 9 of Denny subdivision by American Consulting Engineers and Surveyors, December 10, 2004.

Mr. Buermann testified that it was their plan and intent to build the house with a 65-foot setback from the center line of Berlin Pond Road, and that they were requesting a variance in case field conditions discovered in the course of site preparation were to force the placement of the building closer to the road.

Hoffman moved to conclude that the plans provided are in compliance with the zoning regulations and therefore no variance is required. Donahue seconded the motion. **The motion passed 4-0-0.** The Board took no action on the variance

request, and instructed the Zoning Administrator to issue the Building Permit based on the plans presented.

Adjournment:

Hoffman moved to close the Hearing. The motion passed 4-0-0.

The hearing was closed at 8:40 pm.

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.